REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-9 are pending in the present application, Claim 8 having been amended, and Claim 9 having been added. Support for the amendment to Claim 8 and new Claim 9 is found in the specification and originally filed claims. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. §103(a) as unpatentable over Applicant Admitted Prior Art (AAPA) in view of Nakao (EU Pat. No. 0524712A2).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on December 4, 2006. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiner agreed that the claims distinguished over the art of record. However, no agreement as to allowability was reached as the amended form of the claims required further searching. Arguments presented during the interview are reiterated below.

In a non-limiting embodiment of the claimed invention shown in Fig. 4 of the present application, data can be either input into holding block 12-1 or into selector block 31-1. If selector block 31-1 is in a "1" state, then the data travels through holding block 12-1 on its way to signal processing block 13-1. If selector block 31-1 is in a "0" state, then holding block 12-1 is bypassed (i.e., data does not travel through holding block 12-1 on its way to

signal processing block 13-1). Rather, the data bypasses holding block 12-1, goes directly to selector block 31-1, and then goes to signal processing block 13-1. Thus, the data is not blocked, and selector block 31-1 still outputs the data.[1]

Claim 1 recites, *inter alia*, "bypassing means for outputting said data by bypassing said holding means if said selection command generated by said selection command generating means specifies that said data be transferred by bypassing said holding means, said bypassing means further outputting said data output by said holding means if said selection command specifies that said data be transferred without bypassing said holding means." AAPA and Nakao, taken alone or in proper combination, do not disclose or suggest these elements of Claim 1.

The outstanding Office Action states that AAPA fails to teach the claimed "selection command generating means..." and the claimed "bypassing means...."[2] It appears that the outstanding Office Action relies on Nakao to disclose the claimed "bypassing means."

However, the outstanding Office Action is deficient because it does not identify where Nakao discloses the claimed "bypassing means." The outstanding Office Action only states "Nakao teach a programmable delay unit...comprises a selection command generating means...for generating a selection command specifying whether or not to transfer data by bypassing holding means...."[3] Thus, Applicants respectfully submit that the outstanding Office Action fails to set forth a *prima facie* case of obviousness.

Furthermore, Nakao does not disclose or suggest the claimed "bypassing means." Nakao discloses that when gate 61 outputs a low-level signal N1, the clock signal is blocked

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[1] *See*, Fig. 4 and the corresponding description in the present application.
[2] Office Action, pages 2-3.
[3] Office Action, page 3.

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by gate 51 and not supplied to flip-flop 31. Blocking a clock signal is different than

outputting data by bypassing the holding means. The block signal is not supplied to

anything. As shown in Fig. 4 of Nakao, gate 51 has only the output to flip-flop 31. When

gate 51 blocks the clock signal, the clock signal is not supplied to anything by gate 51. In the

claimed invention, *the bypassing means outputs data by bypassing said holding means*.

Furthermore, gate 51 cannot equate to the claimed "bypassing means" because the

Claim 1 further recites "...bypassing means further outputting said data output by said

holding means if said selection command specifies that said data be transferred without

bypassing said holding means." Gate 51 is not located downstream from flip-flop 31. Thus,

gate 51 cannot output data output by flip-flop 31.

In addition, the required analysis of the base Claim 1 recited "means" and associated

functions has not been performed. In this regard, the PTO reviewing court recently

emphasized that conclusory findings that omit analysis as to "means" claim limitations are

improper in Gechter v. Davidson 43 USPQ2d 1030, 1035 (Fed. Cir. 1997) as follows:

> In addition, the [PTO] never construed the scope of the
> structures disclosed in the specification for the claimed
> "receiving means," nor did the [PTO] expressly find that the
> "receiving means" disclosed in the specification was
> structurally equivalent to that embodied in [the reference].
> Moreover, the [PTO] also failed to define the exact function of
> the receiving means, as well as to find that [the reference]
> disclosed the identical function. [Emphasis added, citation
> omitted.]

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1

(and Claims 2-6) patentably distinguish over AAPA and Nakao, taken alone or in proper

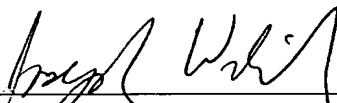combination. Claims 7 and 8, although of different statutory classes, recite elements that are

analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 7 and 8

patentably distinguish over AAPA and <u>Nakao</u>, taken alone or in proper combination, for at

least the reasons stated for Claim 1.

Consequently, in light of the above discussion, the present application is believed to

be in condition for allowance and an early and favorable action to that effect is respectfully

requested.

Respectfully submitted,

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